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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,971	06/28/2000	JUAN ANTONIO GARCIA DURAN	AD6516	5722
23906	7590 10/08/2002			
E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128			EXAMINER	
			SZEKELY, PETER A	
4417 LANCA WILMINGT	ASTER PIKE ON, DE 19805		ART UNIT	PAPER NUMBER
			1714	10
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			70-15
Examiner		Application N .	Applicant(s)
Peter Szekely Th MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is best than thirty (30) days, a reply within the dathering reliation with the period for reply specified above is best than thirty (30) days, a reply within the dathering reliation with the period for reply specified above is best than thirty (30) days, a reply within the dathering reliation to the period for reply specified above is best than thirty (30) days, a reply within the dathering reliation to the period for reply specified above is best than thirty (30) days, a reply of the production of the period for reply specified above is best than therify (30) days, a reply of the period for reply specified above is best than the period for reply specified above is best than the period for reply specified above is best than the period for reply specified above is best than the period for reply specified above is best than the period for reply specified above is best than the period for reply specified above is best than the period for reply specified above is the period for reply specified above the period for reply specified above is best to reply the period for reply specified above the period for reply documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). See the adaptive of presidence of the priority documents have been received		09/462,971	GARCIA DURAN ET AL.
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THE MAILING DATE OF THIS COMMUNICATION. Edencinac from rapty be willed under the provisions of 3 CPR 1.135(a). In no event, however, may a reply be timely filled after 5X (5) MOSTH'S from the mailing date of this communication. Edencinacy of time rapts a perial best on the provision of the communication of the communicat		ears on the cover sheet with the c	orrespondence address
2a) This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) <i>1</i> is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a approved b disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b Some * o None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) Interview Summary (PTO-413) Paper No(s) Notice of References Cited (PTO-82) 10 Notice of Informal Patent Application (PTO-152)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be timy within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
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Application/Control Number: 09/462,971

Art Unit: 1714

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spelthann 5,610,234, in view of Fry et al. 4,614,680
- 3. Both references have been discussed previously. Since the specification does not distinguish between the flame retardance of the various alternative fillers, and since ample motivation exists to maximize the filler concentration, the rejection is maintained in its entirety.

Response to Arguments

4. Applicant's arguments filed 09/04/02 have been fully considered but they are not persuasive. The Fry reference does teach using all calcium carbonate as filler, but this is only the preferred embodiment. Since the claim is directed to a composition and not an article, the presence or absence of a PVC containing wearlayer is immaterial. The cited paragraph of the specification, on page 5, lines 21-28, shows all fillers reacting, not only the ATH. Separate disclosure of the method of adding high concentrations of ATH is shown by the secondary reference. However, were applicants willing the incorporate the numerical value of the LOI into the claim, accompanied by experimental proof, that calcium carbonate filled polymers do not achieve the claimed LOI, the examiner would withdraw the obviousness rejection, over the cited prior art.

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Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is 703-308-2460. The examiner can normally be reached on Tuesday-Friday 7:00 a.m.-5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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Peter Szekely Primary Examiner Art Unit 1714

P.S. October 7, 2002